

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

TERESA S. FARNHAM
(f/k/a TERESE S. FLUENT),

Plaintiff,

v.

ORDER
10-CV-213

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

This case was referred to Magistrate Judge Leslie G. Foschio, pursuant to 28 U.S.C. § 636(b)(1). Both plaintiff and defendant filed motions for judgment on the pleadings. On October 20, 2011, Magistrate Judge Foschio filed a Report and Recommendation, recommending that both parties' motions be denied and that the case be remanded for further development of the record.

Both parties filed objections to the Report and Recommendation.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Foschio's Report and Recommendation, both parties' motions for judgment on the pleadings are denied and the case is remanded to the Commissioner for further development of the record.

The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: December 2, 2011